

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MARINA BORISOVA,

Plaintiff,

-against-

WILLIAM FRIBERG, TRIPLE I ASSOCIATES, LLC,
P.O. ELIZABETH DROZD-SPIDLE, Shield No. 7902,
P.O. REBECCA COOGAN, Shield No. 3220 and THE
CITY OF NEW YORK,

Defendants.

**DECLARATION OF JOSHUA
LEVIN IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS THE AMENDED
COMPLAINT**

18 Civ. 7440 (AMD)(SJB)

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JOSHUA LEVIN, an attorney duly admitted to practice in the State of New York, declares pursuant to 28 U.S.C. §1746, under penalty of perjury, that the following is true and correct:

1. I am a Senior Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and the attorney assigned to represent Defendants City of New York and Officers Elizabeth Drozd-Spidle and Rebecca Coogan (hereinafter "City Defendants"). As such, I am familiar with the facts and circumstances stated herein and submit this declaration in support of City Defendants' Motion to Dismiss the Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and to place relevant documents on the record.

2. Annexed hereto as Exhibit "A" is a true and correct copy of the Amended Complaint filed by Plaintiff in the Eastern District of New York on July 11, 2019. In the Amended Complaint, Plaintiff alleges that Co-Defendants Friberg, and by proxy his company, Triple I Associates, LLC., made false statements to New York City Police Department ("NYPD") officers who arrested the Plaintiff for Trademark Counterfeiting in the Third Degree.

See New York Criminal Penal Law § 165.72. Plaintiff asserts Federal and state law claims for false arrest.

3. Annexed hereto as Exhibit “B” is a true and correct copy of the supporting depositions of Co-Defendant Friberg dated October 4, 2017, which were signed by him and provided to NYPD in support of his statements to NYPD Officers regarding the trademark counterfeiting by Plaintiff. In the supporting depositions, Co-Defendant Friberg states that he is an authorized representative of multiple luxury brands and is empowered to identify and authenticate products bearing registered trademarks of those luxury brands, based off his training and experience; and that on October 4, 2017, he determined that multiple items from Plaintiff’s store bore a counterfeit trademark to the one belonging to multiple luxury brands.

4. Annexed hereto as Exhibit “C” is a true and correct copy of the Criminal Court Complaint from the Criminal Court of Kings County, sworn on October 5, 2017. In the Criminal Complaint, Officer Drozd-Spidle stated that the items seized from Plaintiff’s store were determined to be counterfeit based upon information provided by Co-Defendant Friberg and her own observations.

Dated: New York, New York
December 20, 2019

JAMES E. JOHNSON
Corporation Counsel of the City of New York
Attorney for Defendants City of New York, Drozd-Spidle, and Coogan
100 Church Street
New York, New York 10007
(212) 356-2105

By: Joshua Levin /s/
Joshua Levin, Esq.
Senior Counsel
Special Federal Litigation Division

To:

Alan D. Levine, Esq. (VIA ECF)
Attorney for Plaintiff
Law Office of Alan D. Levine
80-02 Kew Gardens Road, Suite 307
Kew Gardens, New York 11415

cc:

Courtney Chadwell, Esq. (VIA ECF)
Attorney for Co-Defendant Friberg
Barry McTiernan & Moore, LLC
2 Rector Street, 14th Floor
New York, New York 10006